

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6672

BILL NUMBER: SB 322

NOTE PREPARED: Feb 21, 2012

BILL AMENDED: Feb 21, 2012

SUBJECT: Tort Immunity for DOC Employees and Contractors.

FIRST AUTHOR: Sen. Tomes

FIRST SPONSOR: Rep. Steuerwald

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Tort Immunities* – It provides for certain tort immunities pertaining to governmental entities and public employees for employees of the Department of Correction (DOC) and contractors of DOC who provide: (1) monitoring services; or (2) sex offender treatment; for certain offenders.
- B. *No Liability for Personal Injury or Property Loss* – It provides that a governmental entity or government employee is not liable if a loss results from an injury to a person or property of an individual who is on parole.
- C. *Liability of Law Enforcement Officer Providing Roadside Assistance* – It provides that a law enforcement officer acting within the scope of the officer's employment is not liable if a loss results when the officer provides roadside assistance to a motorist whose motor vehicle is disabled.

Effective Date: July 1, 2012.

Explanation of State Expenditures: This bill restricts persons who are on parole from suing the state for any personal injury or property loss and specifies that a parole officer cannot be sued for a mishap during their normal course of business. DOC reports that no lawsuits involving such claims have been filed by plaintiffs.

Under current law, DOC employees and contractors who monitor or treat sex offenders who are on parole can be sued for damages. Under IC 34-13-2-3, the state government would pay for any judgment, compromise, or

settlement of a claim or lawsuit against the employee if the employee is acting within the scope of the employee's employment and the Governor determines that paying the judgment, compromise, or settlement is in the best interest of the state.

DOC reports that 43 parole officers currently supervise sex offenders. As of July 2011, there were 10,606 offenders who were on parole in Indiana.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.